

JAN. 14. 2004 2:04PM

858 792-6773 FOLEY AND LARDNER

NO. 7332 P. 1

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**From :** Richard San Pietro**Email Address :** rsanpietro@foleylaw.com**Sender's Direct Dial :** 858.847.6717**Date :** 1/14/2004**App. Serial Number :** 10/623,114**Client/Matter No :** 051091-2001**User ID No :** 0079**OFFICIAL**

Transmitted herewith for filing in the above patent application are the following. Thank you.

1. Transmittal (1 page);
2. Second Supplemental Information Disclosure Statement (2 pages); and
3. PTO Form SB/08 (1 page).

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Atty. Dkt. No. 051091-2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yerramilli V.S.N. Murthy, et al.

Title: COMPOSITIONS CONTAINING  
PRODRUGS OF FLORFENICOL  
AND METHODS OF USE

Appl. No.: 10/623,114

Filing Date: 07/18/2003

Examiner: Unknown

Art Unit: 1642

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**TRANSMITTAL**Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing in the above application are the following:

- 1) Second Supplemental Information Disclosure Statement (2 pages); and
- 2) PTO Form SB/08 (1 page).

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872.

Date Jan. 14, 2004

Respectfully submitted,

Richard J. Warburg  
FOLEY & LARDNER

Customer Number: 30542

Telephone: (858) 847-6700

Facsimile: (858) 792-6773

By *Richard San Pietro*Richard San Pietro  
Attorney for Applicant  
Registration No. 45,071

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NO. 7332 P. 3

Atty. Dkt. No. 051091-2001

**RECEIVED  
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JAN 14 2004

Applicant: Yerramilli V.S.N. Murthy, et al.

Title: COMPOSITIONS CONTAINING  
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AND METHODS OF USE

Appl. No.: 10/623,114

Filing Date: 07/18/2003

Examiner: Unknown

Art Unit: 1642

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Line Gauthier (Printed Name)  <i>Line Gauthier</i> (Signature)  1/14/2004 (Date of Deposit)
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**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present

Atty. Dkt. No. 051091-2001

application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

### RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Date Jan. 14, 2004

Respectfully submitted,

Richard J. Warburg  
FOLEY & LARDNER

Customer Number: 30542

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Facsimile: (858) 792-6773

By Richard San Pietro  
Richard San Pietro  
Attorney for Applicant  
Registration No. 45,071

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO			<b>Complete If Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: December 4, 2003  (use as many sheets as necessary)			Application Number	10/623,114	
			Filing Date	07/18/2003	
			First Named Inventor	Yerramilli V.S.N. Murthy	
			Group Art Unit	1642	
			Examiner Name	Unknown	
Sheet	1	of	1	Attorney Docket Number	051091-2001

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,977,133		Fung et al.	11/02/1999	
	A2	5,866,549		Or et al.	02/02/1999	
	A3	5,756,506		Copeland et al.	05/26/1998	
	A4	5,663,361		Towson et al.	09/02/1997	
	A5	5,382,673		Clark et al.	01/17/1995	
	A6	5,352,832		Wu et al.	10/04/1994	
	A7	5,082,863		Apellan et al.	01/21/1992	
	A8	4,876,352		Schumacher et al.	10/24/1989	
	A9	4,382,892		Hayakawa et al.	05/10/1983	
	A10	4,361,557		Nagabhushan	11/30/1982	
	A11	4,311,857		Nagabhushan	01/19/1982	
	A12	4,235,892		Nagabhushan	11/25/1980	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (If known)				
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023,247842.1

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.1. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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